

COMMITTEE FOR PUBLIC COUNSEL SERVICES

ASSIGNED COUNSEL MANUAL

POLICIES AND PROCEDURES

SEPTEMBER, 1999

This manual informs attorneys representing indigent clients through the Committee for Public Counsel Services pursuant to G.L. c.211D of the qualification, training and performance requirements, the billing process, audit and evaluation procedures, and other policies and procedures related to assignment and compensation.

Attorneys who accept assignments of cases pursuant to G.L. c.211D are required to follow the policies and procedures in this manual and any other CPCS publications, and any amendments, revisions, or additions to CPCS policies and procedures. Indigent Court Cost vendors are subject to the CPCS General Billing Policies and Procedures.

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ASSIGNED COUNSEL MANUAL

POLICIES AND PROCEDURES

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**I. SCOPE OF SERVICES OF
COMMITTEE FOR PUBLIC COUNSEL SERVICES
FOR PERSONS DETERMINED TO BE INDIGENT BY THE COURT**

The Committee compensates:

SUPREME JUDICIAL COURT

- Counsel for persons requesting direct appellate review of convictions or adverse decrees.
- Counsel for persons requesting further appellate review of convictions or adverse decrees.
- Single justice petitions.

APPEALS COURT

- Counsel for persons on appeal from convictions or adverse decrees.
- Single justice petitions.

JUVENILE COURT DEPARTMENT

- Counsel for defendants in delinquency matters.
- Counsel for Youthful Offender defendants.
- Counsel for children subject to CHINS proceedings. G.L. c.119 ' 39F.
- Counsel for parents and children in Care and Protection cases.
- Counsel for parents and children in Substitute Care Reviews
- G.L. c.119 ' ' 24 & 29: Counsel for parents and children in care and protection cases
- G.L. c.119 ' ' 29B & 29C: Counsel for parents and children in substitute care hearings

HOUSING COURT DEPARTMENT

- Counsel for defendants in criminal contempt matters.

PROBATE AND FAMILY COURT DEPARTMENT

	<u>Counsel for Defendants in Criminal Contempt Matters</u>
G.L. c.19A ' 20(a)	<u>Elderly Abuse</u> Counsel for proposed ward under Elderly Abuse Statute
G.L. c.201 ' ' 6 & 6A; 14	<u>Guardianship</u> - Substituted Judgment for Extraordinary Treatment (for example, anti-psychotic medication, or ARogers® cases) - With authority to admit/commit to a mental health or mental retardation facility.
	<u>State Intervention Proceeding</u> Counsel for parents and children in: G.L. c.210 ' 3 Petitions to terminate parental consent to adoption by Commonwealth or licensed social service agency standing in its stead. G.L. c.209C Paternity actions where DSS is a party or the trial court is contemplating giving custody of the child to Department of Social Services or pursuant to <u>Balboni v. Balboni</u> . G.L. c.208 Divorce actions where Department of Social Services is a party or the trial court is contemplating giving custody of minor children to Department of Social Services pursuant to <u>Balboni v. Balboni</u> . G.L. c.119 ' ' 23C & 29 ACare and Protection® cases

G.L. c.201 ' ' 5 & 14

Guardianships of minors where Commonwealth or agency is petitioning

G.L. c.119 ' ' 29B & 29C

Substitute Care Review Hearings

G.L. c.119 ' 29

Any other proceeding regarding child custody when the Department of Social Services or a licensed placement agency is a party.

SUPERIOR COURT DEPARTMENT

Counsel for Defendants in Criminal Matters
Where Incarceration Possible

G.L. c.123 ' 16

Counsel for defendants in petitions to commit as mentally ill

G.L. c.123A ' 9

Petitions for Release
Counsel for persons declared sexually dangerous petitioning for release

G.L. c.123 ' 9(b)

Counsel for persons appealing from commitment orders and authorizations to treat

G.L. c.112 ' 12S

Abortions
Counsel for minors seeking abortions or for their representatives

G.L. c.19C ' 7

Disabled Persons
Petition for Protective Services

DISTRICT COURT AND BOSTON MUNICIPAL COURT DEPARTMENTS

Counsel for Defendants in Criminal Matters
Where Incarceration Possible

G. L. c.123 ' 5

Commitments

G. L. c.123 ' 35

Counsel for respondents in petitions to commit as mentally ill (under ' ' 8, 15, 16, 18); for petitions to commit for alcohol or substance abuse.

G. L. c.123 ' 12(e)

Warrants of Apprehension

G. L. c.123 ' 8B

Counsel for petitions for authorization to treat for mental illness.

G. L. c.123 ' 9(a)

Counsel for Petitioners in Appeals of civil commitments (Appellate Division appeals)

G. L. c.119 ' ' 24 & 29

Counsel for parents and children in care and protection cases

G. L. c.119 ' ' 29B & 29C

Counsel for parents and children in substitute care hearings.